

AUG 24 2016



**KALH RADIO – VARIETY 95.1 FM** FCC Mail Room  
A DIVISION OF SOUTHWESTERN TRAILS CULTURAL HERITAGE ASSN., INC.

**Kenneth L. Bass – President/GM**

P O Box 82 – LA LUZ, NM 88337-0082

Phone: 575-491-3197 E-mail: [kalhradio@gmail.com](mailto:kalhradio@gmail.com)

**MEMBER: New Mexico News Network**

Aug. 19, 2016

Marlene Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street S.W.  
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: Docket No. 15-94  
Comments in Support of Gorman-Redlich's Request for Limited Waiver

Dear Ms. Dortch:

My name Kenneth Bass and I am the President of South Western Trails Cultural Heritage Association, Inc., licensee of Radio Station KALH-LP, licensed to Alamogordo, NM.

In addition, for the past 30 years, I have been a traveling Broadcast Consulting Field Engineer serving small market radio stations in much of New Mexico, West Texas and Eastern Arizona. At one time, my company Southwestern Trails Technologies, served up to 40 call signs at a time.

I am now semi-retired, but, continue to serve all of the commercial stations in Alamogordo, NE and 5 other stations around the state where I have developed strong personal relationships between myself and family and the families that have owned or managed those stations, sometimes for decades.

During about 15 of the years I was on the road, full time, I also served as the south-eastern New Mexico EAS Coordinator and for several years, worked on a contract basis with the New Mexico Broadcasters Association as their ABIP station inspector for both Radio and TV. The statements below relative to KALH-LP, I know from my long experience with small south-western US stations, even many of the small market stations who now have Gorman-Redlich CAP-DEC1 equipment as a source for legacy EAS units are finding the thought of spending thousands of dollars for new Type Accepted EAS units virtually prohibitive

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I refer to KALH-LP as my "anti-retirement" project. The broadcasting industry has been good to me and my family. Now, through what we call Community Radio KALH-LP, we are giving back to our small market community by providing the only local scheduled local newscast service on the radio in this market. We offer many informational programs and music programs featuring what we call "the music you don't hear much on the radio anymore" to serve an underserved audience.

Our unique programming has brought us recognition as the New Mexico Station of the Year for 2007, the year after we went on-the-air. In 2012, we were selected as the nations Country Station of the Year based on our playing of independently produced country music. That makes up only about 60% of our music content. This year, we have KALH-LP has been nominated as the Out of Texas Station of the Year by the Texas Regional Music Association. The winner of the award from among only 4 nominees is yet to be announced.

Even with all of these accolades, we struggle every month to pay the operating costs of the station since the local economy is in an extended doldrum. We encourage listener contributions, but receive few. We have a few devoted underwriting businesses, primarily to support our broadcasting of Tularosa High School Sports games in all seasons. Tularosa is an even smaller community that is a very near suburb to Alamogordo. For the areas of Tularosa that can't receive our signal off, air, we stream our game audio on-line.

I often have to dip into my pocket to pay the electric bill in hopes KALH-LP will be able to pay me back next month. In the 10 years KALH has been on-the-air, I have yet to draw a pay check. I continue to do this because it is my passion. Now, my oldest daughter is helping me and is determined to keep KALH-LP going even after I'm gone. It would take me hours to relate to you the good things we have done in Alamogordo to point out examples of "good-ol'-boy" politics and outright corruption through our newscasts and informational programs. The short story is that in the past 2 ½ years, the City of Alamogordo has had a total of 24 top employees and elected officials "go away" through firing for cause, resigning after being caught and threatened with firing, sudden resignations and retirements when they, or even one of their close associates in the administration have been caught, I believe, in an effort to avoid being implicated and losing their retirement.

Yes, when LPFM's are operated like real radio stations, they can serve in the public interest.

Thanks to computer and internet technology, our small staff, consisting only of myself (unpaid) and my daughter who is paid a very small amount since she is only part time for some production and promotion work and she does our sports play by play on a "talent fee per game" basis.

We are not an LP-1 or LP-2 station, and I have firsthand knowledge that no other broadcast stations relies on our station for the daisy-chain operation of the EAS since I am the engineer for every other locally operated commercial station in Alamogordo.

I am submitting this filing in support of the waiver request filed by Mr. James T. Gorman of Gorman-Redlich Mfg. Co. KALH-LP currently uses legacy EAS (Sage-ENDEC) equipment, to

which we have attached as a source, a Gorman-Redlich CAP-DEC1 unit which is compliant with the EAS rules except that it has not been upgraded for the six zeroes (000000) national location code.

As Mr. Gorman described in his Waiver Request (a copy of which is attached to these comments), we have kept our legacy equipment in service because it continues to function as designed and performs to the specifications to which it was designed under Part 11 of the Commission's rules, and replacing this equipment would require a substantial monetary outlay for us. As noted above, in connection with our legacy EAS box, we have previously installed the Gorman-Redlich CAP-DEC1 intermediary device in order to meet the FCC's CAP requirements.

Mr. Gorman has proposed that stations like ours be permitted to modify the operation of the intermediary device as follows:

- **Allow for the insertion of the "ENTIRE STATE" location code (0XX000) for the station's state of installation into the generated EAS header code for messages received by the CAP intermediary device and which are addressed to the "ENTIRE UNITED STATES" location code (000000).**

As we understand it, the proposed modification would allow our "legacy" EAS equipment to respond to the nationwide message. We ask that you grant Mr. Gorman's petition to give us this necessary flexibility. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Bass', written in a cursive style.

Kenneth L. Bass  
President and GM  
KALH-LP, Alamogordo, NM

**Gorman-Redlich**  
257 West Union Street  
Athens, Ohio 45701  
PH: (740) 593-3150

Received & Inspected

AUG 24 2016

FCC Mail Room

email [jimg@gorman-redlich.com](mailto:jimg@gorman-redlich.com)  
[www.gorman-redlich.com](http://www.gorman-redlich.com)

July 22, 2016

## WAIVER REQUEST

I am writing to request a partial waiver to certain parts of the FCC rules contained in §11.56 (a) (2) regarding the processing of Common Alerting Protocol (CAP) messages into SAME-encoded messages that comply with the Emergency Alert System (EAS) protocol as defined in the remainder of Part 11.

It has come to the attention of many that certain manufacturers of so-called *legacy* EAS equipment are unwilling or unable – for whatever reason – to update their equipment to conform to the latest requirements set forth in the latest FCC Report and Order. Of specific concern is this equipment's inability to correctly process messages addressed to the "ENTIRE UNITED STATES" location code of 000000 ("all zeroes").

Many broadcast stations continue to employ equipment from these manufacturers in conjunction with intermediary devices which add CAP functionality to the EAS equipment and have, heretofore, allowed for the equipment to be wholly compliant with FCC Part 11 rules. This equipment remains in service because A) it continues to function as designed and performs to the specifications to which it was designed under Part 11 and B) replacing this equipment would not only represent a substantial monetary outlay for the stations but also presents the issue of how to properly dispose of the equipment without detriment to the environment and without allowing the equipment to fall into the hands of actors with malicious intent who could use the equipment to disrupt normal broadcast operations in the United States.

At this point, it should be noted that one ostensible purpose of the *CAP EAS Implementation Guide's* specifications is to provide for the uniform construction of EAS headers from CAP data is to prevent multiple headers from being created in relation to a single event, which would result in duplicate messages received downstream. For the scope of the partial waiver request described below, this requested waiver would apply only to stations that are not a LP-1 or LP-2 station and which have no down-stream monitoring assignments in the EAS "daisy chain."

To allow the continued operation of EAS equipment which *cannot* or *will not* be upgraded to accommodate the 000000 location code, I propose the following modification to the operation of the intermediary device:

- **Allow for the insertion of the "ENTIRE STATE" location code (0XX000) for the station's state of installation into the generated EAS header code for messages received by the CAP intermediary device and which are addressed to the "ENTIRE UNITED STATES" location code (000000).**

This modification, when constrained to non LP-1/LP-2 stations with no downstream monitoring stations, will allow such legacy EAS equipment to respond to the nationwide message.

Whereas the only messages that will be affected by this modification are addressed to the entire United States, this modification will not result in any false activations based on location codes; and

Whereas the scope is constrained to stations with no downstream monitoring assignments, this modification will not result in the airing of duplicate alerts at any other stations; and

Whereas the legacy EAS equipment at the station in question would not respond to the 000000 coded alert, no duplicate alerts would be aired by the station in question unless the 000000 alert is also sent with other location codes relevant to the station;

I hereby request the waiver as described above in order to allow the continued operation of affected legacy equipment until such time as it ceases to operate as designed.

Respectively submitted by:

James T. Gorman  
Gorman Redlich